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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,469	04/23/2001	Rodger Williams	2400-667	1931
27820	7590	02/02/2004	EXAMINER	
WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512			SHAPIRO, JEFFERY A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,469

Applicant(s)

WILLIAMS ET AL.

Examiner

Jeffrey A. Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) Claims 1, 4-9, 11-21, and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) Claims 1, 4-9, 11-21, and 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-9, 11-21, and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (US 6,619,543 B1) in view of Finley et al (IS 6,442,448), further in view of Sommer et al (US 6,297,785 B1) and further in view of Golden et al (US 6,452,924). Smith et al discloses the following.

As described in Claims 1, 13, 14 and 20;

1. a plurality of displays (50) with associated input devices; (see col. 4, lines 37-46, col. 6, lines 50-57 and col. 8, lines 9-11, which refers to an "internet-enabled dispenser position". A dispenser position is construed as including a single side of a dispenser with two customer positions, as is well-known in the art.)
2. a display controller (52) associated with said plurality of displays, said display controller comprising as follows;
 - a. communication electronics (see col. 6, lines 64-67) for communicating with a server (16, 58, 60) running a control application (see "messaging program 54);

- b. a control system associated with said communication electronics and adapted to;
 - i. run browser applications (see col. 6, lines 58-64) for each of said plurality of displays;
 - ii. receive input from each of said input devices and provide the input to the control application (see col. 4, lines 57-67 and col. 5, lines 1-8, noting that a typical internet access device requires user input through a keyboard or touch-screen, as is well-known in the art);
 - iii. receive instructions for said browser applications from the control application; (note that the browser application as described in col. 6 receives input from a user and that certain fields are "automatically set with a URL data element (70)". See col. 7, lines 14-20. Note again that the messaging program (54) can be construed as a control program.)

As described in Claims 4 and 28;

- 3. said displays are mounted in a kiosk (note that it can be reasonably construed that the customer position referred to by Smith is one side of a standard fuel dispenser, which can be reasonably construed as a kiosk);
- 3a. said plurality of displays and said display controllers are associated with a kiosk; (see previous discussion in 3.)

As described in Claims 5, 16 and 29;

4. a server (16, 58, or 60) remote from said display controller and adapted to run said control application;

As described in Claims 6, 16 and 30;

5. said server is further adapted to run a web server application configured to provide content to the browser applications of the display controller (see col. 1, lines 57-58, noting that "viewing information" is construed as content);

As described in Claims 7, 17 and 31;

6. said control application is adapted to process the input and provide certain of the instructions for a corresponding one of the browser applications (note that this is how "messaging program" (54) is construed to function);

As described in Claims 8, 18 and 21;

7. said control application is adapted to provide certain of the instructions for a corresponding one of the browser applications based on events or instructions unrelated to the input (note, for example, that the URL data element (22) is construed as performing this function—see col 5, lines 44-56);

As described in Claims 9, 15 and 32;

8. for each of said browser applications, said control system is further adapted to provide a request for content from a web server based on the instructions;

9. receive content in response to the request;

10. display content on a corresponding one of said plurality of displays;

(See previous discussion.)

As described in Claim 13;

14. said communication electronics are wireless communications electronics adapted to provide wireless communications with the server

(See col. 5, lines 4-7.)

As described in Claim 19;

15. effecting control of a peripheral at the first location with instructions from the second location; (see figure 2, noting that the internet messaging program (54) and the server (60)/email messaging account (68) is construed as being remote from each other. Note also that the internet messaging program can be construed as being remote from the client computing device and the URL data element (70).)

Smith does not expressly disclose, but Finley discloses the following.

As described in Claims 1, 13, 14 and 20;

11. said display controller is assigned one Internet Protocol (IP) address and each of the browser applications is assigned a unique port associated with the IP address (see col. 6, lines 50-62);

As described in Claim 11;

12. said input devices include keys on at least one of said plurality of displays (see col. 6, lines 6-23);

As described in Claim 12;

13. said input devices include touch screen configuration for at least one of said plurality of displays (see col. 6, lines 6-23);

As described in Claim 33;

15a. said input devices includes keys on at least one of said plurality of displays (see Finley, col. 1, lines 63-end and col. 2, lines 1-2, which describes that using keypads for special user inputs is well-known in the art);

Smith et al does not expressly disclose, but Sommers et al discloses controlling two displays with one display controller.

Smith et al does not expressly disclose, but Golden et al discloses the following.

As described in Claims 1, 13, 14 and 20;

2a. *said display controller further assigned one Internet Protocol (IP) address and each of the browser applications is assigned a unique port*

associated with the IP address; (See Golden, col. 48, lines 57-61, col. 49, lines 8-30, col. 50, lines 24-46, col. 52, lines 38-45, and line 20-34.)

Both Smith and Sommers are analogous art because Smith discloses using a display at each customer location, of which it is construed that there are at least two located on a fuel dispenser, and Sommers discloses using a single display controller to control two or more displays in point of sale system.

At the time of the invention it would have been obvious to have used the display controller of Sommers to control several of Smith's displays simultaneously.

The suggestion/motivation would have been to save space and expense of having multiple controllers. See Sommers, col. 1, lines 23-36 and lines 50 -54.

Both Smith and Golden are analogous art because Smith discloses using an internet-based system for communicating between parts of the fuel dispensing system, including a display controller, and Golden discloses controlling bandwidth in a multipoint/multimedia network for maintaining a low cost, efficient system. See Golden, col. 2, lines 10-68 and col. 3, lines 1-27).

At the time of the invention, it would have been obvious to have assigned one Internet Protocol (IP) address to the display controller and to assign to each of the browser applications a unique port associated with the IP address. (See col. 6, lines 50-62 of Finley as well as Golden, col. 48, lines 57-64, col. 49, lines 8-30, col. 50, lines 24-46, col. 52, lines 38-45, and line 20-34.)

The suggestion/motivation would have been to “group circuits into Internet subnets” that allows uniform routing independent of the connection type to be established, so as to free up network resources. See col. 6, lines 50-62 of Finley as well as Golden, col. 48, lines 57-64, col. 49, lines 8-30, col. 50, lines 24-46, col. 52, lines 38-45, and line 20-34.

Note that Finley describes using TCP/IP protocol to communicate within a fuel dispensing system and that Golden describes using IP addresses and ports more specifically to enable a network that frees up network resources. Note that Smith teaches using an internet-based network used in a fuel dispensing system. The internet uses IP protocols and port addresses to allow various devices to communicate with each other. Finley further describes using TCP/IP protocol in such an environment. Golden describes in detail, assigning such protocols and port addresses in such a way as to create a more efficient network. It would appear to be obvious to one ordinarily skilled in the art to use IP addresses and ports to address particular portions of Smith’s system, including the display controller and displays. Otherwise, the networked internet based system of Smith would not work.

Both Smith and Finely are analogous art because they both concern a computer based network for use with fuel dispensers.

At the time of the invention, it would have been obvious to use input devices such as keyboards or touch screens in the system of Smith. See Smith, col. 4, lines 54-56, which describes using “an internet access device (12) provided in any form suitable for establishing a networked connection...” See also Finley col. 6, lines 6-23, col. 1,

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lines 63-end and col. 2, lines 1-2, which describes that using keypads for special user inputs is well-known in the art.

The suggestion/motivation would have been to provide easy access connection to the internet. See Smith, col. 4, lines 54-56.

Therefore, it would have been obvious to combine Smith, Sommers, Golden and Finley to obtain the invention as described in Claims 1, 4-9, 11-21, and 28-33.

Response to Arguments

3. Applicant's arguments with respect to Claims 1, 4-9, 11-21, and 28-33 have been considered but are moot in view of the new ground(s) of rejection.

4. In response to applicant's argument that Golden is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

5. In this case, Applicant asserts that Golden is not analogous because it is a "system that combines packet-switched networks with circuit-switched networks such that a single computer can use both networks through a tool such as a single web browser." Golden, col. 1, lines 19-26. However, despite this fact, one ordinarily skilled in the art would not be prohibit from using the teaching for using the particular

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addressing scheme called for by Applicant's claim limitations, since Golden teaches the use of a particular type of addressing scheme that one ordinarily skilled would look to in order to fulfill the requirements for Smith's internet based system. This is also true of Finley and Sommer, regarding their teachings as described above. Smith does not describe using electronics in a fuel dispensing environment, but it does describe and teach using a single display controller to control multiple displays in a customer, or point of sale environment.

Smith's fuel dispensers can be argued to be a point of sale environment. Finley describes using TCP/IP in a fuel dispensing system. This piece of prior art further buttresses Smith and Golden by suggesting and teaching to one ordinarily skilled that such a protocol environment is used in an internet based fuel dispensing system. See figure 14, element 1406 of Finley, for example. Regarding the particulars of assigning particular devices with IP addresses and ports, it would have been obvious to one ordinarily skilled in the art that in order to make the display and controller work with the system of Smith, which Smith discloses as internet-based, such IP addresses and ports would be required for the display controller and other parts of the system. Otherwise, Smith's internet system would not work. Therefore, Claims 1, 4-9, 11-21, and 28-33 remain rejected.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone number for the organization where this application or proceeding is assigned is (703)306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.



Jeffrey A. Shapiro
Examiner
Art Unit 3653

January 24, 2004



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